

## **SB 1491 (Kuehl) – Victim Confidentiality Fact Sheet**

SB 1491 (Kuehl), sponsored by the Los Angeles City Attorney's Office, would prohibit entities that award or distribute grants to agencies that provide services to domestic violence, sexual assault or stalking victims ("victim service providers") from requesting or requiring such providers to disclose personally identifying information about their clients as a condition of receiving the grant.

Batterers, stalkers and other assailants are often relentless in their attempts to locate their victims. Studies have shown that individuals can often be located by the release of limited information, including gender and place and date of birth.<sup>1</sup> It is not surprising, then, that in at least one instance in Los Angeles county, a grant provider's release of personally identifying information allowed a batterer to locate his victim even though she was receiving services at a confidential location. Assailants also often engage in increasingly violent conduct when their victims attempt to seek help.<sup>2</sup> Examples of requests for information are attached.

### **Existing state law is inadequate in protecting victim confidentiality.**

Existing law is silent on whether local and state funding entities in California may demand the release of personally identifying information as a condition of funding. As a result of this silence in the law, a number of funders have demanded such personal information. Although the release of such personally identifying information puts the safety of clients at risk, victim service providers are forced to choose between releasing information and going without the funding necessary to serve their clients.

### **Federal law provides limited protection for victim confidentiality.**

The federal Violence Against Women Act (VAWA) prevents local victim service programs from disclosing personally identifying information about victims. Recent amendments to VAWA also prohibit victim service providers from entering personally-identifying information into an HMIS (Homeless Management Information Systems) database. These federal confidentiality protections, however, only apply to victim service providers that receive federal VAWA and Family Violence Prevention and Services Act (FVPSA) funding.

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<sup>1</sup> L. Sweeney. *Uniqueness of Simple Demographics in the U.S. Population*, LIDAP-WP4. Carnegie Mellon University, Laboratory for International Data Privacy, Pittsburgh, PA: 2000. Abstract. <http://privacy.cs.cmu.edu/dataprivacy/papers/LIDAP-WP4abstract.html> "It was found that 87% (216 million of 248 million) of the population in the United States had reported characteristics that likely made them unique based only on {5-digit ZIP, gender, date of birth}. About half of the U.S. population (132 million of 248 million or 53%) are likely to be uniquely identified by only {place, gender, date of birth}, where place is basically the city, town, or municipality in which the person resides."

<sup>2</sup> During separation women are five times more likely to be killed by their husbands than prior to separation or after divorce. Crawford, M. and Gartner, R., *Woman Killing: Intimate Femicide in Ontario, 1974-1990*, Ontario, Canada. See also, Ronet Bachman and Linda Salzman, Bureau of Justice Statistics, *Violence Against Women: Estimates From the Redesigned Survey* 1 (January 2000).

### **Examples of Funders Requesting Identifying Information about Clients**

CalWORKS is a welfare program that provides cash aid and services to eligible needy California families. The program serves all 58 counties in the state and is operated locally by county welfare departments. Within the welfare-to-work program, family violence has been found to be a significant barrier to employment. To address this barrier, California has adopted the “Family Violence Option” (codified in Cal. W & I Code Sections 11495-11495.40) which exempts victims of family violence from the standard welfare-to-work requirements during the time that they are receiving support services. The victim service providers that provide support services to these victims are eligible to receive reimbursement from CalWORKS.

- In Los Angeles County, victim service providers that receive CalWORKS domestic violence funding must provide two of the following three pieces of client information to the County: CalWORKS number, full name and/or full social security number. Additionally, some CalWORKS recipients are requested to disclose their date of birth. Victim service providers are routinely informed that their failure to provide the requested information will result in a loss of CalWORKS funding and, in some instances, funding was actually withheld until the information was released.
- Demand for personally identifying information as a condition of funding has occurred throughout Los Angeles County (e.g., Santa Monica, Van Nuys, Long Beach, Pomona, City of LA) and in the counties of Orange, Santa Cruz, San Francisco and San Bernardino. Most of these requests were made in regard to CalWORKS funding.
- In at least one instance in Los Angeles County, release of information enabled a batterer to locate his victim while she was receiving services in a confidential location.
- Also in Los Angeles, a victim services provider who provides counseling was required to provide the county with sign in and sign out sheets containing client names, location of sessions, and the content of the sessions.

SB 1491 protects victims of domestic violence, sexual assault, and stalking by preventing victim service providers from having to make an untenable choice between receiving critical funding and releasing identifying information that could put their clients at risk.